

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Lujan DATE TYPED 01/30/04 HB 473

SHORT TITLE Additional Santa Fe Magistrate Judge SB _____

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	\$84.7	NFI	NFI	Recurring	General Fund
NFI	\$21.4	NFI	NFI	Non-recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Relates to:

House Bill 473 relates to other bills increasing the number of judges in magistrate and district courts:

Senate Bill 26, Additional Guadalupe Magistrate Judge, SB25, Additional 4th District Judge, and Senate Bill 379, Additional 9th District Judge.

House Bill 473 duplicates the proposed appropriation in the executive recommendation for the General Appropriation Act.

SOURCES OF INFORMATION

LFC Files

Administrative Office of the Courts

SUMMARY

Synopsis of Bill

House Bill 473 appropriates \$106.3 thousand from the general fund to the Administrative Office of the Courts for the purpose of providing funding for an additional Santa Fe magistrate judge. The bill also amends Section §35-1-29, NMSA 1978 in order to change the statutorily-set number of magistrate judges in Santa Fe County from 3 to 4. The funding level proposed includes salary, benefits, furniture, supplies, and equipment for one magistrate judge. An amount of \$84.9 thousand, of the total \$106.3 thousand proposed, is recurring. Any unexpended or unencumbered balance remaining at the end of the fiscal year 2006 would revert to the general fund.

The proposed bill provides for the additional judgeship to be filled by appointment by the governor and for the appointee judge to serve starting July 1, 2006 and until succeeded by a magistrate judge elected during the general election in 2006. The elected magistrate judge's term of office

would span January 1, 2006, to December 31, 2007.

Significant Issues

According to the Administrative Office of the Courts (AOC), a "Weighted Caseload Study" was completed in November 1998 in order to provide the legislature with a methodology for determining the need for additional judgeships. A weighted caseload study assigns a weight, expressed in minutes, for each court case type. The weight represents the average amount of judge's time necessary to process a case of that type. Then each weight is multiplied by the number of new cases filed per category.

The AOC reports that, this year, the Chief Judges Council reviewed all district, metropolitan, and magistrate judgeship requests statewide and considered the overall need, as determined by the Weighted Caseload Study, and as provided through narrative and testimony by the individual courts. The AOC reports that the results of the Weighted Caseload Study for judges reflects a state-wide shortfall of 23 judgeships.

The results of the judgeship study for magistrate, Metro and district courts are provided as an attachment.

According to the table provided by the AOC regarding magistrate judgeships, a reported total of 8 magistrate judges are needed statewide. This is the number of judges lacking when partially needed magistrate judges are included in the total and when the reported excess judgeships are not. The total number of full (1.0) judgeships needed according to the study is 4. The total number of full (1.0) excess judgeships is also 4. If another full judgeship should be considered needed when the judgeship deficit in a given county is 0.5 judges or greater as is described in the attachment's footnote, then the total number of magistrate judgeships needed would be 9. If an excess judgeship is considered as 0.5 judges or more in the same manner then the weighted study shows 15 excess magistrate judges. 6 of the 15 "excess" judgeships, however, are in single-judge counties.

The judiciary is requesting the twelve judgeships considered, through the unified budget process, to be the most critically needed in FY06. The judiciary has established two levels of judgeship request priorities: tier one consists of one Bernalillo County Metropolitan Court Judge, two magistrate court judges (for Santa Fe and San Juan Counties), and three district court judges located in the Second, Ninth, and Eleventh Judicial Districts. Tier two consists of two magistrate judges located in the Sandoval and McKinley Counties, one Bernalillo County Metropolitan Court Judge, and three district court judges located in the Eleventh, Thirteenth and Second Judicial Districts. The Council voted to support the Santa Fe magistrate judgeship request in this bill. The court currently has 3 judges and the weighted caseload study indicates that the court needs an additional 1.80 judges.

PERFORMANCE IMPLICATIONS

FY 05 is the second year that the magistrate courts are participating in performance based budgeting. The AOC reports that House Bill 473 may have an impact on three established measures: cases disposed as a percent of cases filed, the amount of bench warrant revenue collected, and the amount of criminal case fees and fines collected.

FISCAL IMPLICATIONS

The appropriation of \$106.3 thousand contained in this bill is a recurring expense in the amount of \$84.7 thousand and a nonrecurring expense in the amount of \$21.4 thousand to the general fund. Any unexpended or unencumbered balance remaining at the end of 2006 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The AOC reports that the primary long-term administrative effect on the court would be more efficient and expeditious disposal of cases.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB473 includes the funding recommended for an additional Santa Fe magistrate judge included in the executive budget recommendation. Related bills include: SB 26, Additional Guadalupe District Magistrate, SB 25, Additional 4th District Judge, and SB 379, Additional 9th District Judge.

TECHNICAL ISSUES

The AOC relates that the proposed magistrate judge would run for office in the 2006 general election, making the term of office end on December 31, 2010. AOC recommends an amendment: on page 2, line 3, removing the following language: "The elected magistrate's term of office shall begin on January 1, 2006 and shall end on December 31, 2007." The sentence would then be replaced with the following: "The first full term of office of the elected magistrate shall begin on January 1, 2007 and end on December 31, 2010."

OTHER SUBSTANTIVE ISSUES

The AOC asserts that without the new Santa Fe magistrate judgeship, there will be less efficient and less expeditious disposal of cases and court administration and that without the additional judgeship, it will take longer for court users to get their cases resolved.

The attached judgeship study results shows almost all district courts to have a shortage of judges or an almost exact number of judges as need; the magistrate results, however show many counties which did not demonstrate need for additional judgeships, or show an "excess" of judgeships.

ALTERNATIVES

Magistrate judgeships could be redistributed to meet the demand with the current supply of judgeships.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

Santa Fe Magistrate Court will maintain 3 judges.

POSSIBLE QUESTIONS

Does the judiciary support the reallocation of funds from counties with “excess” judgeships to those counties that show need for additional judgeships?

EM/sb

Attachment

ATTACHMENT

Judge and Staff Need for Magistrate Courts for FY 06			
Agency	Judges		
MAGISTRATE COURTS	Judge Need ¹ (based on weighted caseload study)	Current Actual Judges	Gap (negative number denotes need)
Catron	0.19	1.00	0.81
Chaves	2.25	2.00	(0.25)
Cibola	1.80	2.00	0.20
Colfax	0.79	2.00	1.21
Curry	2.81	2.00	(0.81)
De Baca	0.22	1.00	0.78
Dona Ana	6.40	5.00	(1.40)
Eddy	2.05	3.00	0.95
Grant	1.54	2.00	0.46
Guadalupe	0.70	1.00	0.30
Harding	0.03	1.00	0.97
Hidalgo	0.87	1.00	0.13
Lea	2.16	5.00	2.84
Lincoln	1.18	2.00	0.82
Los Alamos	0.11	1.00	0.89
Luna	1.34	1.00	(0.34)
McKinley	4.26	3.00	(1.26)
Mora	0.19	1.00	0.81
Otero	2.51	2.00	(0.51)
Quay	1.22	1.00	(0.22)
Rio Arriba	1.28	2.00	0.72
Roosevelt	1.15	1.00	(0.15)
San Juan	5.87	4.00	(1.87)
San Miguel	1.75	2.00	0.25
Sandoval	2.59	2.00	(0.59)
Santa Fe	4.80	3.00	(1.80)
Sierra	0.75	1.00	0.25
Socorro	1.06	1.00	(0.06)
Taos	0.97	2.00	1.03
Torrance	0.96	1.00	0.04
Union	0.23	1.00	0.77
Valencia	2.48	3.00	0.52
TOTAL POSITIONS NEEDED ³ :		8.00	(8.00)
¹ Weighted Caseload Study for judges revisited in 1998 by NM AOC and Heidi Green, National Center for State Courts			

ATTACHMENT

Judge and Staff Need for District Courts and Metropolitan Court for FY 06				
Agency	Judges/Hearing Officers			
	Judge Need ¹ (based on weighted caseload study)	Current Actual Judges	Hearing Officers/Special Masters ² (at 66% of judge weight)	Gap (negative number denotes need)
First Judicial District	8.72	7.00	1.33	(0.39)
Second Judicial District	29.82	23.00	4.66	(2.16)
Third Judicial District	8.30	7.00	0.66	(0.64)
Fourth Judicial District	2.58	2.00	0.34	(0.24)
Fifth Judicial District	10.25	8.00	0.00	(2.25)
Sixth Judicial District	3.86	3.00	0.00	(0.86)
Seventh Judicial District	3.22	3.00	0.66	0.44
Eighth Judicial District	2.82	2.00	1.00	0.18
Ninth Judicial District	5.53	3.00	0.54	(1.99)
Tenth Judicial District	1.22	1.00	0.11	(0.11)
Eleventh Judicial District	9.66	6.00	0.66	(3.00)
Twelfth Judicial District	4.56	4.00	0.66	0.10
Thirteenth Judicial District	8.55	6.00	1.33	(1.22)
DISTRICT POSITIONS NEEDED ⁴ :				12
Bernalillo County Metropolitan Court	18.68	16.00		(2.68)
¹ Weighted Caseload Study for judges revisited in 1998 by NM AOC and Heidi Green, National Center for State Courts ² Court Administrators provided information based on: - if hearing officer/special master is shared with another district, FTE time was estimated				